

DEPARTMENT OF BENEFIT PAYMENTS
44 P Street, Sacramento, CA 95814
(916) 322-5387



December 6, 1976

ALL-COUNTY LETTER NO. 76-134

TO: ALL COUNTY WELFARE DIRECTORS

OBsolete

Superseded by ACL # 77-15

Issued 3-17-77

SUBJECT: IMPLEMENTATION OF NEW FEDERAL ELIGIBILITY
REQUIREMENTS FOR AFDC-U FATHERS

Public Law 94-566 became effective November 1, 1976, and provides, in part, that AFDC-U families in which the father receives Unemployment Insurance Benefits (UIB) are eligible for Federal Financial Participation (FFP) and that the amount of UIB received shall be deducted from the family's AFDC grant. In practical effect, this law requires as a condition of eligibility that a U-father who is entitled to receive UIB must apply for and collect such UIB. The attached revised EAS regulations are to implement these new provisions of the federal law.

Although PL 94-566 became effective November 1, 1976, there are no retroactive provisions in these regulations for the following reasons:

1. The new requirement to apply for and accept UIB is a condition of eligibility which cannot be accomplished retroactively.
2. Neither WIN registration nor WIN certification can be accomplished retroactively.
3. A U-father who had refused UIB and was federally eligible would be rendered ineligible for AFDC during the period from the effective date of the new regulations until he applied for UIB.

Procedures for establishing federal eligibility for current AFDC-U cases must necessarily include the following:

Income Maintenance Unit

1. Identify cases which have currently ineligible U-fathers who are receiving UIB and refer them to register for WIN where applicable. Change FBU's and grants accordingly.

2. Identify currently federally eligible U-fathers and instruct them that as a condition of continuing eligibility, they must apply for and accept any UIB to which they are entitled.

Separate Administrative Unit

1. Appraise and certify such U-fathers, where applicable, within 30 days of their receipt of federal AFDC.

Statewide, the fiscal effect of these new requirements is estimated to be as follows:

A. Administrative Costs to Implement (Transition period, only)

IMU	\$200,800
SAU	442,100
Total	<u>\$642,900</u>

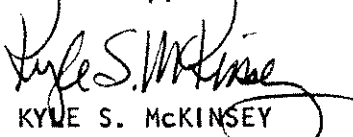
B. Aid Costs Shifted from Nonfederal to Federal (Average monthly amounts, continuing)

Federal	\$1,121,550
State	(862,300)
County	(249,200)

Recognizing that lead time is necessary to implement these regulations, all AFDC-U cases authorized after the effective date of these regulations must conform to the new requirements by the authorization date. All current AFDC-U cases must conform to the new requirements by January 1, 1977.

If you have any further questions regarding these regulations, please contact your AFDC management consultant at (916) 445-4458.

Sincerely,


 KYLE S. MCKINSEY
 Deputy Director

Attachment

cc: CWDA

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11180.1)

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Department of Benefit Payments

(Agency)

Dated: December 2, 1976

By: M. J. [Signature]

Director

(Title)

ENDORSED

APPROVED FOR FILING
 (Gov. Code 11180.2)

1976

RECEIVED
 FILED
 In the office of the Secretary of State
 at the County of []
 12-25-76
 [Signature]

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Benefit Payments hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

FINDING OF EMERGENCY

The implementation of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety, and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code.

AMEND: Section 41-440.25
 41-440.45
 42-600.53
 44-103.23

ADOPT: Section 41-440.27

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. P.L. 94-566 amended Section 407(b)(2)(c) of the Social Security Act which prescribes conditions of eligibility for unemployed fathers in the AFDC program.
2. The amendments to Section 407(b)(2)(c) became effective on November 1, 1976.
3. Prior to amendment, Section 407(b)(2)(c) provided that federal aid must be denied to families for any week in which the father received unemployment insurance benefits (UIB).
4. As amended by P.L. 94-566, Section 407(b)(2)(c)(ii) now provides that families in which the father receives UIB are eligible for federal aid.
5. Section 406(b)(1) of the Social Security Act provides that when the relative with whom the dependent child is living is the child's parent, the parent's spouse is also eligible for aid.
6. In order to prevent any unnecessary delays in providing benefits to all members of AFDC families who are now eligible for federal aid and in order to implement the amendments to Section 406(b)(2)(c)(ii), it is necessary for these regulations to become effective immediately.

Therefore, these regulations are adopted on an emergency basis to become effective upon filing with the Secretary of State.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

AFDC

- .25 The AFDC-U parent who is not working or who is working less than the 100 hour standard is required to be available for and seeking employment.

This requirement is met as follows:

- .251 For the WIN AFDC-U father: The requirement to be available for and seeking work is met by the parent's cooperation with and fulfilling the requirements of the WIN program.
- .252 For the non-WIN AFDC-U parent: The requirement to be available for and seeking work is met by the following:
- (a) Accepting a bona fide offer of employment or employment related training.
 - (b) Continuing existing employment.
 - (c) Reporting to EDD-ES with the frequency required by EDD-ES. _____
 - (d) Appearing for interviews with an employer arranged by EDD-ES.
 - (e) Reporting to EDD-ES when called in by EDD-ES.
 - (f) Accepting referrals to employment interviews arranged by EDD-ES.

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

- .27 The AFDC-U parent shall apply for and accept any unemployment insurance benefits to which he or she is entitled.

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

- .45 The father shall not have refused to apply for and accept any unemployment insurance benefits (UIB) to which he is entitled.

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 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

5 Individuals Served by WIN

- .51 WIN serves federally eligible AFDC individuals who reside in WIN counties and who are not excluded under these regulations;

Persons excluded are:

- .511 All individuals residing in non-WIN counties.

As a result, the above individuals are not required to accept WIN as a condition of AFDC eligibility. No determination of exemption is required. (AFDC-U parents do have employment requirements, however, which are found in Section 41-440.)

- .512 Individuals not applying for or receiving AFDC; (such as Indo-Chinese and Cuban Refugees, and GA applicants)

- .513 Individuals excluded from the AFDC-FBU;

- .514 Individuals who are not federally eligible.

- .52 All other AFDC recipients must meet the WIN requirements. This means that if they are not exempt, they must register for and cooperate with WIN.

- .53 If the individual is an applicant this is practically applied as follows:

- .531 For all AFDC applicants residing in a WIN county, determine whether he/she is exempt and if not refer for WIN registration except:

(a) A nonfederally eligible AFDC-U parent;

(b) (Has been deleted.)

(c) A parent or child to be excluded from the FBU when this is known at the time of application (such as the parent or child receiving SSI).

- .532 If the applicant is subsequently found to be not eligible to the WIN program because of any reason (aid denied, he/she is not federally eligible, the individual is excluded from the FBU, WIN is notified by the IMU and the individual deregistered by WIN. (See Section 42-652.2 if the applicant is an AFDC-U parent.)

- .533 If the applicant will not be federally eligible on the beginning date of aid because the AFDC-U parent has not been unemployed for 30 days, refer the individual to WIN for registration. When notifying WIN that AFDC has been granted, indicate current nonfederal eligibility and the expected date of federal eligibility. (See Section 42-652.15.)

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(Pursuant to Government Code Section 11380.1)

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME
VERIFICATION (Continued)

44-103

APSB
AFDC

.2 Applicant and Recipient Responsibility

.21 The applicant or recipient, including the person responsible for a child in AFDC, is responsible.

.211 For giving information necessary to income determinations, and

.212 For taking all actions necessary to obtain unconditionally available income.

.22 Income shall be considered unconditionally available if the applicant or recipient has only to claim or accept the income, e.g., relative's offer of a contribution, or OASDI.

.23 Only the applicant or recipient who refuses to apply for or accept unconditionally available income shall be rendered ineligible by such refusal. If the applicant or recipient who refuses such action is the caretaker, a protective payee shall be appointed for the FBU.

.231 The applicant or recipient who would be disadvantaged by receipt of Special Age 72 OASDI Benefits, because he would lose his public assistance cash grant and certain medical benefits, is not ineligible to a public assistance cash grant if he refuses to apply for and accept such benefits.

AFDC

.232 If the applicant or recipient is an AFDC-U parent who refuses to apply for or accept unemployment insurance benefits, the whole family is ineligible.

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(Pursuant to Government Code Section 11380.1)

There are no state mandated costs in this regulation that require reimbursement under Section 2231 of the Revenue and Taxation Code because this regulation merely affirms for the State that which has been declared existing law through action by the Federal Government. There are also savings as well as costs in this regulation which, in the aggregate, do not result in significant cost changes.

Approved:



MARION J. WOODS, Director
Department of Benefit Payments

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